

**To:** McGrath, Shaun[McGrath.Shaun@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Stanislaus, Mathy[Stanislaus.Mathy@epa.gov]; Reynolds, Thomas[Reynolds.Thomas@epa.gov]; Vaught, Laura[Vaught.Laura@epa.gov]; Distefano, Nichole[DiStefano.Nichole@epa.gov]; Garbow, Avi[Garbow.Avi@epa.gov]; Mitchell, Stacey[Mitchell.Stacey@epa.gov]; Harrison, Melissa[Harrison.Melissa@epa.gov]  
**From:** Purchia, Liz  
**Sent:** Fri 8/21/2015 10:06:28 PM  
**Subject:** RE: Access at Gold King

Adding Melissa

**From:** McGrath, Shaun  
**Sent:** Friday, August 21, 2015 6:05 PM  
**To:** Fritz, Matthew; Stanislaus, Mathy; Reynolds, Thomas; Purchia, Liz; Vaught, Laura; Distefano, Nichole; Garbow, Avi; Mitchell, Stacey  
**Subject:** FW: Access at Gold King

All,

This morning, I asked my staff to look into statements made by the property owner of the GKM, Todd Hennis, that appeared in recent news articles: that the EPA forced him to open the mine to us by threatening to fine him \$35,000 per day. The response from my staff is directly below with the supporting documents attached. My original email this morning with the full story is at the bottom of this email.

I wanted to share this with you in case we get questions on it from the media, Congress or otherwise.

Shaun McGrath

Regional Administrator

EPA, Region 8

1595 Wynkoop St

Denver, CO 80202

Office: 303-312-6532

**From:** Bohan, Suzanne  
**Sent:** Friday, August 21, 2015 10:48 AM  
**To:** McGrath, Shaun; Card, Joan; Hestmark, Martin  
**Cc:** Land, Kelcey; Piggott, Amelia; Madigan, Andrea; Sisk, Richard  
**Subject:** Access at Gold King

See below for history of access at Gold King.  
Suzanne  
Sent from my iPhone

Begin forwarded message:

**From:** "Sisk, Richard" <[Sisk.Richard@epa.gov](mailto:Sisk.Richard@epa.gov)>  
**Date:** August 14, 2015 at 2:15:41 PM CDT  
**To:** "Stavnes, Sandra" <[Stavnes.Sandra@epa.gov](mailto:Stavnes.Sandra@epa.gov)>  
**Cc:** "Piggott, Amelia" <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>, "Land, Kelcey" <[Land.Kelcey@epa.gov](mailto:Land.Kelcey@epa.gov)>, "Bohan, Suzanne" <[bohan.suzanne@epa.gov](mailto:bohan.suzanne@epa.gov)>, "Urdiales, Aaron" <[Urdiales.Aaron@epa.gov](mailto:Urdiales.Aaron@epa.gov)>, "Rudy, Michael" <[Rudy.Mike@epa.gov](mailto:Rudy.Mike@epa.gov)>, "McCaffrey, Shawn" <[Mccaffrey.Shawn@epa.gov](mailto:Mccaffrey.Shawn@epa.gov)>  
**Subject:** RE: San Juan Corp - GK access and follow up

Sandy – Here is what I would like to say.

**Attorney Work Product/Ex. 5**

**Attorney Work Product/Ex. 5**

# Attorney Work Product/Ex. 5

Thanks

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: [sisk.richard@epa.gov](mailto:sisk.richard@epa.gov)

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**From:** Stavnes, Sandra  
**Sent:** Friday, August 14, 2015 10:10 AM  
**To:** Sisk, Richard  
**Cc:** Piggott, Amelia  
**Subject:** RE: San Juan Corp - GK access and follow up

Richard/Amelia what do you think of this response to Mr. Hennis claims. (from CBS news story highlighted below)

# Attorney Client/Ex. 5

In an interview Todd Hennis, owner of the Gold King mine stated that the EPA forced him to open the mine to your agency four years ago by fining him \$35,000 per day.

He also claimed that the water that came out of the Gold King originated in the Sunnyside mine. He said this can be proven with tests that show the mineral content of the water.

Please let me know the EPA response if any.

Sandy

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Sandra A. Stavnes

Deputy Assistant Regional Administrator

Office of Ecosystems Protection and Remediation (8EPR)

USEPA Region 8

1595 Wynkoop Street

Denver, CO 80202

email: [stavnes.sandra@epa.gov](mailto:stavnes.sandra@epa.gov)

phone: 303-312-6117

**From:** Sisk, Richard  
**Sent:** Friday, August 14, 2015 9:06 AM  
**To:** Stavnes, Sandra  
**Cc:** Piggott, Amelia  
**Subject:** FW: San Juan Corp - GK access and follow up

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: [sisk.richard@epa.gov](mailto:sisk.richard@epa.gov)

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**From:** Sisk, Richard  
**Sent:** Thursday, August 13, 2015 3:04 PM  
**To:** Rudy, Michael  
**Subject:** FW: San Juan Corp - GK access and follow up

Mike – Here it is.

Richard Sisk  
Attorney  
U.S. EPA Region 8  
ENF-L  
1595 Wynkoop  
Denver, CO 80202-1129

Phone: 303-312-6638  
Fax: 303-312-6409  
E-mail: [sisk.richard@epa.gov](mailto:sisk.richard@epa.gov)

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**From:** Way, Steven  
**Sent:** Sunday, August 09, 2015 4:52 PM  
**To:** Sisk, Richard  
**Subject:** San Juan Corp - GK access and follow up

Richard,

Todd and I have exchanged emails only to say we'll be available to meet and talk this week. Attached is the existing access agreement; my assumption is that he will be looking for something more. It would be helpful for me if we discuss the situation some soon.

Thanks

Steve

Steven Way  
Federal On-Scene Coordinator  
Emergency Response Unit  
US EPA - Region 8  
1595 Wynkoop Street  
Denver, CO 80202

Office: 303-312-6723

**From:** McGrath, Shaun  
**Sent:** Friday, August 21, 2015 9:26 AM  
**To:** Hestmark, Martin; Bohan, Suzanne; Card, Joan  
**Subject:** can you look into this please?

**Mine's owner says he tried to keep out EPA but was threatened with fines**

By Valerie Richardson

Thursday, August 20, 2015

DENVER — The owner of the Colorado's Gold King Mine says he tried to stop the Environmental Protection Agency from gaining access to his property, but that he relented after the agency threatened to pound him with ruinous fines if he refused.

Mine owner Todd Hennis said that he had little choice four years ago but to allow in an

EPA-led crew, which triggered the Aug. 5 blowout that sent 3 million gallons of toxic orange wastewater down the Animas River.

Iconic television host opens up about her secretive lifestyle, how the crowd reacts is awful

“When you are a small guy and you’re having a \$35,000 a day fine accrue against you, you have to run up the white flag,” Mr. Hennis told CBS4 in Denver.

Mr. Hennis said he opposed having the EPA investigate leakage from the inactive mine near Silverton, Colorado, because he had tangled with the agency in previous years over its work at another mine he owns in Leadville, Colorado.

“I said, ‘No, I don’t want you on my land out of fear that you will create additional pollution like you did in Leadville,’” Mr. Hennis told Colorado Watchdog.org. “They said, ‘If you don’t give us access within four days, we will fine you \$35,000 a day.’”

The EPA has admitted that its agents accidentally unleashed the acidic flood, which has since contaminated the San Juan River in New Mexico and seeped into Lake Powell in Utah, albeit in very low concentrations.

The Interior Department and the EPA’s Office of Inspector General are investigating the circumstances leading up to the accident, while at least two House committees are also expected to hold hearings on the spill.

Sens. John McCain, Arizona Republican, and Tom Udall, New Mexico Democrat, sent a letter Tuesday to the Senate Indian Affairs Committee requesting an oversight hearing on the contamination’s impact on the Navajo Nation.

Shaun McGrath



Regional Administrator

EPA, Region 8

1595 Wynkoop St

Denver, CO 80202

Office: 303-312-6532